



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
(203) 797-4525
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MINUTES JULY 8, 2008

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The meeting was called to order by Chairman Ted Farah at 7:35PM.

Present were Anthony DiCaprio, Theodore Haddad Jr., Patrick Johnston, David Manacek, Larry Stramiello, Andrew Wetmore, Ted Farah and Alternates Victoria Hickey and Thomas Spegnolo. Also present was Planning Director Dennis Elpern.

Absent were Richard P. Jowdy, Robert Melillo and Alternate Jacqueline Perez-Ares.

Chairman Farah asked Ms. Hickey to take Mr. Melillo's place and Mr. Spegnolo to take Mr. Jowdy's place for the items on tonight's agenda.

Chairman Farah announced that the Petition of A & S Properties Inc. which was scheduled for 7:45 PM on tonight's agenda, was withdrawn this afternoon so there will be only one public hearing tonight.

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PUBLIC HEARINGS

7:30 PM - Petition of Sanik Beverages LLC to Amend Secs. 6.A.2. & 6.B.2. of the Zoning Regulations. (Add Processing & Bottling of Non-Alcoholic Beverages as Permitted Uses in IL-40 and IG-80 Zones)

Mr. Wetmore read the legal notice. Mr. Stramiello read the Planning Commission recommendation which was positive. Chairman Farah read the Planning Dept Staff report dated June 18, 2008.

Attorney Ward Mazzucco said this is a new business being proposed in an existing building located on Starr Rd. He submitted the field card to show the photo of the building (Exhibit A). He then submitted a copy of the License from Dept of Consumer Protection to bottle non alcoholic beverages and water (Exhibit B). He said their main produce will be tropical juices such as mango and papaya. Mr. DiCaprio asked if the processing of beverages or food was allowed anywhere in the City. Attorney Mazzucco said he could not find either of them in any zone. He added that the processing of food is more of a commercial venture, e.g.: catering. Mr. Elpern said presently neither use is allowed in any zone. Mr. Haddad said there was a bottling facility located on Balmforth Ave. Attorney Mazzucco said it has been there for a very long time and definitely is non-conforming. Mr. Wetmore asked if they would be bottling non-alcoholic beer. Attorney Mazzucco said they would not be, their business is bottling fruit juices.

Chairman Farah asked if there was anyone to speak in opposition to this and there was no one.

Mr. Wetmore made a motion to close the public hearing. Mr. Johnston seconded the motion and it was passed unanimously. Mr. DiCaprio made a motion to move this to item four under the Old Business on tonight's agenda.

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7:45 PM - Petition of A & S Properties Inc. to Amend Secs. 2.B. & 5.E. of the Zoning Regulations. (Add "Mixed Use Building" to the CN-5 Zone as a Special Exception Use)

Chairman Farah reiterated that this petition has been withdrawn.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Sheridan Commons LLC, 12 Home Pl. (portion of #J14161) for Change of Zone from R-3 to RMF-4. Public hearing closed 4/22/08. First 65 days were up 6/26/08 - 65 day extension granted - decision must be made by 8/29/08.

Mr. Haddad excused himself because he is abstaining from this matter. Chairman Farah explained that at the previous meeting, the Commission had voted to reconsider the motion to approve made by Mr. DiCaprio at the June 10, 2008 meeting. He said Mr. Manacek had listened to the tapes and was now eligible to vote. That means that now there are ten Commission members eligible to vote on this but out of that ten, there are only seven present tonight. Chairman Farah then asked Attorney Mazzucco, who is the applicant's attorney what he wanted them to do. Attorney Mazzucco requested they wait until there are more than seven members present to take the vote. Mr. DiCaprio made a motion to table this until the next meeting. Mr. Johnston seconded the vote and the motion was passed unanimously.

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Petition of Camillo M & Gloria Santomero, 14 Padanaram Rd. (#H10121) for Change of Zone from CN-20 to CL-10. Public hearing closed 6/10/08 - 65 day decision making period will be up 8/13/08.

Chairman Farah said out of the members that are present this evening there are only six that are eligible to vote on this. Since the Planning Commission recommendation was negative, this would need a six-three majority vote for approval and since there are only seven members that can vote the Commission decided to wait until the next meeting to vote. Mr. DiCaprio made a motion to table this until the next meeting. Mr. Wetmore seconded the motion and it was passed unanimously.

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Petition of Peter Phrathep, 130 Triangle St. (#K14007) for Change of Zone from RA-8 to RMF-4. Public hearing closed 6/24/08 - 65 day decision making period will be up 8/27/08.

Chairman Farah said out of the members that are present this evening there are only seven that are eligible to vote on this. Since the Planning Commission recommendation was negative, this would need a six-three majority vote for approval and since there are only seven members that can vote the Commission decided to wait until the next meeting to vote. Mr. Johnston made a motion to table this until the next meeting. Mr. Wetmore seconded the motion and it was passed unanimously.

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Petition of Sanik Beverages LLC to Amend Secs. 6.A.2. & 6.B.2. of the Zoning Regulations. (Add Processing & Bottling of Non-Alcoholic Beverages as Permitted Uses in IL-40 and IG-80 Zones)

Mr. DiCaprio made a motion to approve this petition for the following reasons:

- It makes sense to add this use to both of these zones since it meets the purpose and intent of the industrial zones.

Mr. Johnston seconded the motion. Chairman Farah asked if there were any comments or discussion on this motion and there was none. He then did a roll call vote and the motion was passed unanimously.

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NEW BUSINESS:

Petition of Perch LLC, 116, 118 & 122 Coalpit Hill Rd. (#K17014, #K17013/1 & 2, & #K17012) for Change of Zone from RMF-10 to IL-40. Public hearing scheduled for August 26, 2008

Mr. Wetmore made a motion to refer this to the Planning Commission for their recommendation. Mr. Stramiello seconded the motion and it was passed unanimously.

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There was nothing under Correspondence, Other Matters or For Reference Only. With no business to discuss, at 8:15 PM, Mr. Stramiello made a motion to adjourn the meeting. Mr. Johnston seconded the motion and it was passed unanimously.